106TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
106–677

GRATON RANCHERIA RESTORATION ACT

JUNE 19, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Resources, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 946]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 946) to restore Federal recognition to the Indians of the Graton Rancheria of California, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 946 is to restore Federal recognition to the Indians of the Graton Rancheria of California.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 946 would restore federal recognition to the Indians of the Graton Rancheria of California. The Graton Rancheria is one of over 40 Indian tribes which were terminated in 1958 by Public Law 85–671. Today there are approximately 355 members of the Federated Indians of Graton Rancheria living in the general vicinity of Santa Rosa, California.

H.R. 946 provides that the service area for the Tribe shall be Marin and Sonoma counties, that nothing in the legislation shall expand, reduce, or affect any hunting, fishing, trapping, gathering, or water rights of the Tribe, that real property eligible for trust status shall include certain Indian-owned land, and that the Secretary of the Interior shall compile a membership roll of the Tribe.

79–006

The bill also provides for an Interim Tribal Council, the election of tribal officials, and the ratification of a constitution for the Tribe.

Section 5(d) of H.R. 946 provides that real property taken into trust for the benefit of the Tribe pursuant to the bill shall not have been taken into trust for "gaming" purposes pursuant to section 20(b) of the Indian Gaming Regulatory Act (12 U.S.C. 2719(b)).

COMMITTEE ACTION

H.R. 946 was introduced on March 2, 1999, by Congresswoman Lynn Woolsey (D–CA). The bill was referred to the Committee on Resources. On May 16, 2000, the Full Resources Committee held a hearing on the bill. On June 7, 2000, the Full Resources Committee met to mark up the bill. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. *Cost of Legislation.* Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. A cost estimate has been requested but has not been received. However, the Committee does not believe that enactment of H.R. 946 would not have a significant effect on the federal budget.

2. *Congressional Budget Act.* As stated above, a cost estimate has been requested from the Congressional Budget Office but has not yet been received. The Committee does not believe that the bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. *Government Reform Oversight Findings.* Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. *Congressional Budget Office Cost Estimate.* Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has requested but has not yet received a cost estimate for this bill from the Director of the Congressional Budget Office.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

ADDITIONAL VIEWS

Documentation of Miwok peoples dates back as early as 1579 by a priest on a ship under the command of Francis Drake. Other verification of occupancy exists from Spanish and Russian Voyagers in 1595, 1775, 1793, and 1808. Missions established from 1809 to 1834 used Coast Miwok and Southern Pomo tribal people as a labor source. These records assist us today in substantiating Native genealogical persistence. After the Mission period (1769–1834) local Indian people continued in servitude to Mexican land grant owners throughout their confiscated tribal territories. Mexican and American period records show that a Coast Miwok, Camilo Ynitia, secured the land grant for Olompali near Novato within Coast Miwok homelands. Olompali is the site of a large village, extending from prehistoric times into the Spanish/Mexican periods, and continues today as an important historic locale. Another important locale was Nicasio (northwest of San Rafael). Near the time of secularization (1835) the Church granted the San Rafael Christian Indians 20 leagues (80,000 acres) of mission lands at Nicasio. About 500 Indians relocated to Nicasio. By 1850 they had but one league of land left. This radical reduction of land was a result of illegal confiscation of land by non-Indians under protest by Indian residents. In 1870, Jose Calistro, the last community leader at Nicasio, purchased the small surrounding parcel. Calistro died in 1875, and in 1876 the land was transferred by his will to his four children. In 1880 there were 36 Indian people at Nicasio. The population was persuaded to leave in the 1880s when Marin County curtailed funds to all Indians (except those at Marshall) who were not living at the Poor Farm, a place for "indigent" peoples.

By the beginning of California statehood (1850) the Marshall, Bodega, and Sebastopol peoples, along with their Pomo and Patwin neighbors were making the best of a difficult oppressive situation, by earning their livelihoods through farm labor or fishing, within their traditional homelands. William Smith, a Bodega Miwok, after force relocation to Lake County during the late 1800's, returned to Bodega Bay where he and his relatives founded the commercial fishing industry in the area. By the early 1900's a few people pursued fishing for their livelihoods; one family continued commercial fishing into the 1970's, while another family maintained an oyster harvesting business. When this activity was neither, in season nor profitable, Indian people of this area, sought agricultural employment, which required an itinerant lifestyle. The preferred locality for such work was within Marin and Sonoma counties.

In May 1920, Bureau of Indian Affairs Inspector John J. Terrell proposed the purchase of a 15.45 acre tract of land near the small rural Sonoma County town of Graton, for the "village home" of the Marshall, Bodega, Tomales, and Sebastopol Indians. Through the purchase of this land, put into federal trust, the government con-

solidated these neighboring traditionally interactive groups into one recognized entity, Graton Rancheria. In June 1923, a Bureau of Indian Affairs census of the Sebastopol Indians of Round Valley Agency, California, included seventy-five individuals of Marshall, Bodega, and Sebastopol descent, and demonstrates their congregation in the vicinity of the Graton Rancheria.

The United States government terminated the tribes' status in 1966 under the California Rancheria Act of 1958 (Public Law 85–671, as amended; 72 Stat. 619). The Bureau of Indian Affairs approved a plan to distribute the assets between three distributees (now all deceased). This act in effect called the Coast Miwok extinct, ending their rights as a tribe. Today, the membership of the Federated Indians of Graton Rancheria comprises approximately 366 individuals. Many of thee people have maintained their identities as California Indians from birth as shown by their having roll numbers on the 1933 Census Roll of the Indians of California, the 1955 California Combined Roll, and the 1972 California Indian Judgment Rolls. Members born after the last roll numbers were issued in 1969, have provided birth certificates and/or baptismal certificates connecting them with roll number bearers and have been included on the Graton tribal roll.

The Federated Coast Miwok and Federated Indians of Graton Rancheria, is recognized socially and politically as an Indian group by outside Indian and non-Indian groups, scholars, organizations, and federal, state, and local agencies/governments. The Federated Indians of Graton Rancheria have endured through time as a distinctive tribal group. Restoring Federal recognition will provide the tribe with much needed health, education, and housing benefits.

The Assistant Secretary for Indian Affairs Kevin Gover, testified on behalf of the Administration at the hearing on May 16, 2000 in favor of passage of H.R. 946. In part Secretary Gover stated, "I am pleased to report that after careful review of the information submitted by the Federated Indians of the Graton Rancheria (the successor name), the documentation shows that the group is significantly tied with the terminated tribe known as the Graton Rancheria. Therefore, we support their restoration of tribal status." Mr. Gover did, however, recommend the deletion of Section 5(d) of the bill stating, "We see no reason to single this Tribe out for gaming restrictions."

Section 5(d) of H.R. 946 provides that real property taken into trust for the benefit of the Tribe pursuant to the bill shall not have been taken into trust for gaming purposes pursuant to section 20(b) of the Indian Gaming Regulatory Act. This language places restrictions on gaming activities on certain lands taken into trust. It is included due to the particular circumstances of this situation and at the request of the Tribe. We do not intend this language to serve as a precedent to be used in future restoration acts.

GEORGE MILLER.

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